



SECRETARY OF STATE

I, KEVIN SHELLEY, Secretary of State of the State of California, do hereby certify that:

1. Diebold Elections Systems, Inc. of McKinney, Texas, has requested approval for use in California elections of their GEMS Election Management Software, Version 1.18.18 and the AccuVote-TSx touch screen voting system operating Firmware Version 4.4.
2. The request was considered at a November 10, 2003 public hearing duly noticed as required by law.
3. The use of the Diebold Election System above is hereby approved for use subject to the following terms and conditions:
 - a. Diebold shall submit payment to the Secretary of State for costs associated with an independent audit of Diebold's hardware, firmware, and software in all counties currently using, or in possession of, Diebold voting systems, or any part thereof.
 - b. Diebold must cooperate in full with independent auditors and the Secretary of State.
 - c. Diebold must participate in a December 16, 2003 Voting Systems Panel hearing when the panel reviews the findings of the independent audit, and of the Secretary of State's internal review and makes a determination of what, if any, sanctions are appropriate.
 - d. Any County, City and County, City, or District may use the voting system, subject to any approval required by Section 5 of the Voting Rights Act of 1965, as amended.
 - e. The County, City and County, City, or District shall use the appropriate, state-approved procedures with the voting system and, prior to such use, shall have on file with the California Secretary of State a copy of their Election Observer Panel plan.
 - f. No further changes or modifications to the voting system shall be made until the Secretary of State has been notified in writing and has determined that the change or modification does not impair its accuracy and efficiency sufficient to require a reexamination and approval.



IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California, at Sacramento, this 20th day of November 2003.

Kevin Shelley
KEVIN SHELLEY
Secretary of State